



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

March 18, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special Exception to operate an Entertainment Establishment with ABC
Special Exception for Off-Lot Parking**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager *RH Williams* **Ward/Superward: 2/6**

Approved:

Marcus D. Jones

Marcus D. Jones, City Manager

Item Number:

R-4

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exceptions to operate an Entertainment Establishment with alcoholic beverages and to provide Off-Lot Parking for the establishment at the Sloan Chiropractic Clinic located at 111 West Virginia Beach Boulevard
- IV. **Applicant:** Push Theater – 763 Granby Street
- V. **Description**

	Proposed
Hours of Operation	6:00 p.m. until 2:00 a.m., Monday through Friday 8:00 a.m. until 2:00 a.m., Saturday and Sunday
Hours for the Sale of Alcohol	6:00 p.m. until 2:00 a.m., Monday through Friday 11:00 a.m. until 2:00 a.m., Saturday and Sunday

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated February 27, 2014 with attachments
- Letters of support
- Proponents and Opponents
- Ordinance



To the City Planning Commission
City of Norfolk, Virginia

February 27, 2014

From: Matthew Simons,
City Planner II

Subject: Special Exceptions for Push
Theater:

- a. Entertainment Establishment
with alcoholic beverages at 763
Granby Street
- b. Off-Lot Parking at 111 West
Virginia Beach Boulevard

Reviewed: Leonard M. Newcomb III,
Land Use Services Manager

Ward/Superward: 2/6

Approved:

George M. Homewood, AICP, CFM
Planning Director

Item Number:

- I. **Recommendation:** Staff recommends approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** Sean Devereux
763 Granby Street
- III. **Description:**
 - These requests would allow Push Theater to offer live staged entertainment and alcoholic beverages to their customers, as well as to permit the use of the Sloan Chiropractic medical clinic parking lot for customer parking during times that the clinic is not open (evenings and weekends).
 - The Pushers Comedy Group perform live sketch and improvisational comedy shows and in cooperation with the Muse Writers Center offer acting, writing and comedy classes to the public.
- IV. **Analysis**

The site is located within the Arts District along the western line of Granby Street.

Plan Analysis

The proposed Special Exceptions are consistent with *plaNorfolk2030*, which designates these sites as Downtown.

Zoning Analysis

The site is located within the D-4 (Downtown Arts and Design) district which allows Entertainment Establishments by Special Exception.

	Proposed
Hours of Operation	6:00 p.m. until 2:00 a.m., Monday through Friday 8:00 a.m. until 2:00 a.m., Saturday and Sunday
Hours for the Sale of Alcohol	6:00 p.m. until 2:00 a.m., Monday through Friday 11:00 a.m. until 2:00 a.m., Saturday and Sunday
Seating Capacity	<ul style="list-style-type: none"> • 90 seats indoors • 0 seats outdoors • 99 total capacity
Entertainment Options	<ul style="list-style-type: none"> • Live Theater • 5-Member Live Band • Karaoke • Poetry Reading • Comedian

- The applicant will meet *Zoning Ordinance* requirements for off-street parking at 111 West Virginia Beach Boulevard, if the Off-Lot Parking Special Exception is granted.
 - A parking analysis was performed to ensure that the parking requirement, given the proposed seating capacity, will be met with the off-lot parking agreement.
 - The proposed seating capacity of 90 will require 23 parking spaces.
 - The building was built in 1911, prior to any parking requirements in the City; as such, the structure is grandfathered for 11 spaces based on the commercial use for which it was built.
 - With the 11 vested spaces, there remains a deficiency of 12 spaces to accommodate the proposed use.
 - The applicant proposes to utilize an off-lot parking site at 111 West Virginia Beach Boulevard to cover the deficit.
 - The off-lot parking at Sloan Chiropractic Clinic can accommodate 21 vehicles and the hours of operation of the clinic are outside the hours for this proposed use.

Traffic Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 70 additional vehicle trips per day.
- Based upon ITE data, the prior retail use on this site would be expected to generate 88 weekday trips while the proposed new theater use would be expected to generate 158 trips.

V. Financial Impact

The applicant is current on all real estate taxes.

VI. Environmental

The proposed uses should not have an adverse impact on the surrounding uses.

VII. Community Outreach/Notification

- Legal notice was posted on the property on January 21.
- Letters were sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on February 5.
- Letters were mailed to all property owners within 300 feet of the property on February 12.
- Notice was sent to the civic leagues by the Department of Communications on February 12.
- Legal notification was placed in *The Virginian-Pilot* on February 13 and 20.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of ABC Establishments
- Applications
- Letter to the Civic League
- Letter to the Business Association

Proponents and Opponents

Proponents

Sean Devereux – Applicant
811 23rd Street
Virginia Beach, VA 23451

Dennis Bradford McMurren – Applicant
4237 Manchester Road
Portsmouth, VA 23703

Robyn Thomas – Representative
913 West 21st Street, Ste C
Norfolk, VA 23517

Mary Miller
201 Granby Street, Ste 101
Norfolk, VA 23510

Careyann Weinberg
1019 Woodrow Avenue
Norfolk, VA 23507

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PUSH COMEDY THEATER, LLC AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT KNOWN AS "PUSH THEATER" ON PROPERTY LOCATED AT 763 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Push Comedy Theater, LLC authorizing the operation of an entertainment establishment named "Push Theater" on property located at 763 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 45 feet, more or less, along the western line of Granby Street, beginning 17 feet, more or less, from the southern line of West Wilson Avenue and extending southwardly; premises numbered 763 Granby Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be from 6:00 p.m. until 2:00 a.m. the following morning Monday through Friday and from 8:00 a.m. until 2:00 a.m. the following morning on Saturday and Sunday.
- (b) The hours for the sale of alcoholic beverages and for entertainment shall be from 6:00 p.m. until 2:00 a.m. the following morning Monday through Friday and from 11:00 a.m. until 2:00 a.m. the following morning on Saturday and Sunday.
- (c) The seating for the establishment shall not exceed 90 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people. The use authorized by this

Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall be limited to live bands having no more than five (5) members, live theater, karaoke, poetry reading, and comedian. No other form of entertainment is permitted.
- (f) There shall be no dancing and no dance floor provided.
- (g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on

the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

- (l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (m) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (n) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (o) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (p) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the

event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

- (q) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (r) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the Commencement of any event at which a cover charge is to be collected.
- (s) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permits;
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

- (9) The establishment's designated driver program;
- (10) The establishment's Security Plan.
- (t) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 74 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (u) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare.

Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the

date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (1 page)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 12/20/13

Trade name of business Posit Theater

Address of business 763 Lakeside St

Name(s) of business owner(s)* Sean Devereux, Brad McMullan

Name(s) of property owner(s)* Liberty Street LLC

Name(s) of business manager(s)/operator(s) Sean Devereux, Brad McMullan

Daytime telephone number (757) 692-6549

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales and Entertainment
Weekday From <u>6pm</u> To <u>2am</u>	Weekday From <u>6pm</u> To <u>2am</u>
Friday From <u>6pm</u> To <u>2am</u>	Friday From <u>6pm</u> To <u>2am</u>
Saturday From <u>8pm</u> To <u>2am</u>	Saturday From <u>11pm</u> To <u>2am</u>
Sunday From <u>8pm</u> To <u>2am</u>	Sunday From <u>11pm</u> To <u>2am</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:

USE - THEATER

- 5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

CELEBRATIONS / BIRTHDAYS ETC

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

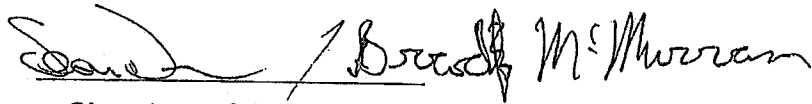
7a. If yes, explain:

8. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 90

Number of bar seats

Standing room

b. Outdoor

Number of seats

c. Number of employees 9

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 99

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

LIVE THEATER / 5 member BAND

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment

Square footage of dance floor

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

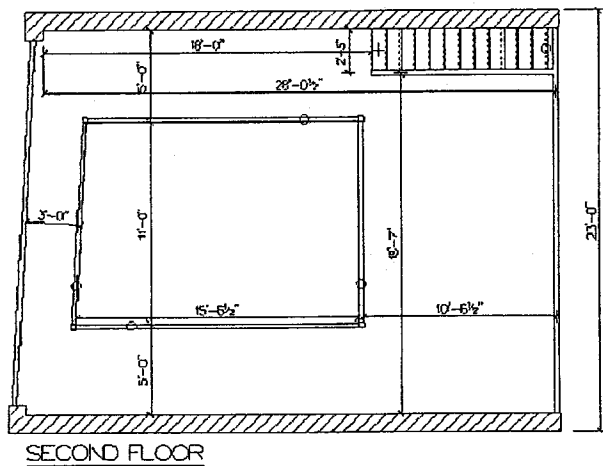
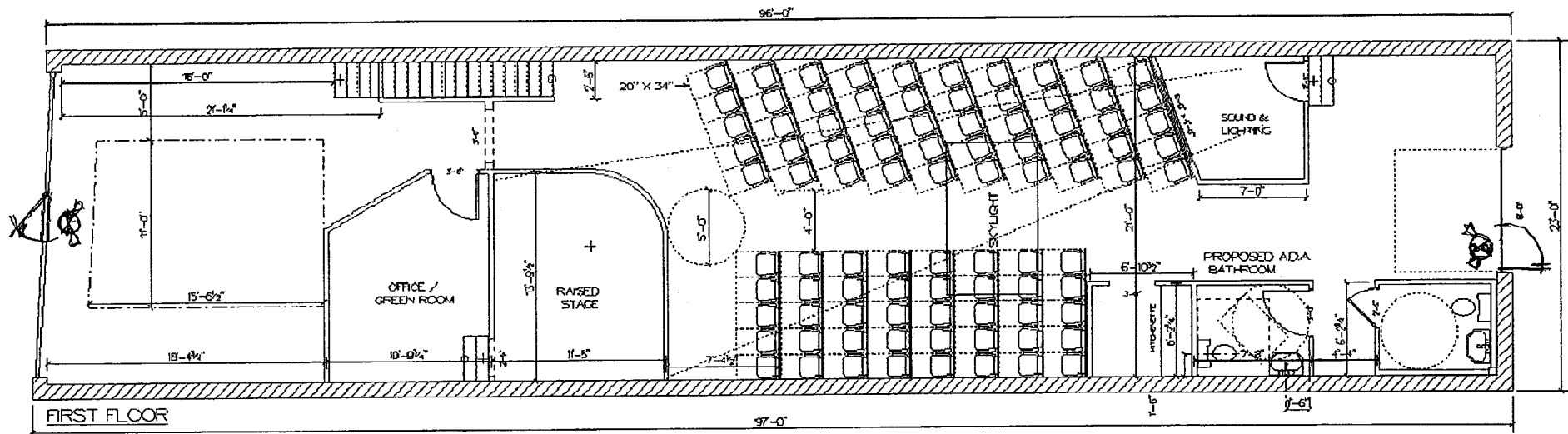
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)



763 GRANBY STREET
ALL DIMENSIONS APPROXIMATE

Form and Correctness Approved: *240*

Contents Approved: *M.H.S.*

By *[Signature]*

Office of the City Attorney

By *[Signature]*

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT OFF-LOT PARKING ON PROPERTY LOCATED AT 111 WEST VIRGINIA BEACH BOULEVARD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing off-lot parking on property located at 111 West Virginia Beach Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the southwest corner of Granby Street and West Virginia Beach Boulevard fronting 132 feet, more or less, along the western line of Granby Street and 187 feet, more or less, along the southern line of West Virginia Beach Boulevard; premises numbered 111 West Virginia Beach Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following condition:

- (a) The off-lot parking shall be secured with a proper lease for the duration of any use of the property at 763 Granby Street as an Entertainment Establishment.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in § 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the

particular provisions of the ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

Push Theater – 763 Granby Street
Entertainment Establishment Conditions

- (a) The hours of operation for the establishment shall be from 6:00 p.m. until 2:00 a.m., the following morning, Monday through Friday, and from 8:00 a.m. until 2:00 a.m., the following morning, Saturday and Sunday.
- (b) The hours for the sale of alcoholic beverages, and for entertainment shall be from 6:00 p.m. until 2:00 a.m., the following morning, Monday through Friday, and from 11:00 a.m. until 2:00 a.m., the following morning, Saturday and Sunday.
- (c) The seating for the establishment shall not exceed 90 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall be limited to live bands having no more than 5 members, Live Theater, Karaoke, Poetry Reading and Comedian. No other form of entertainment is permitted.
- (f) There shall be no dancing and no dance floor provided.

- (g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (l) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (o) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners,

operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (q) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.

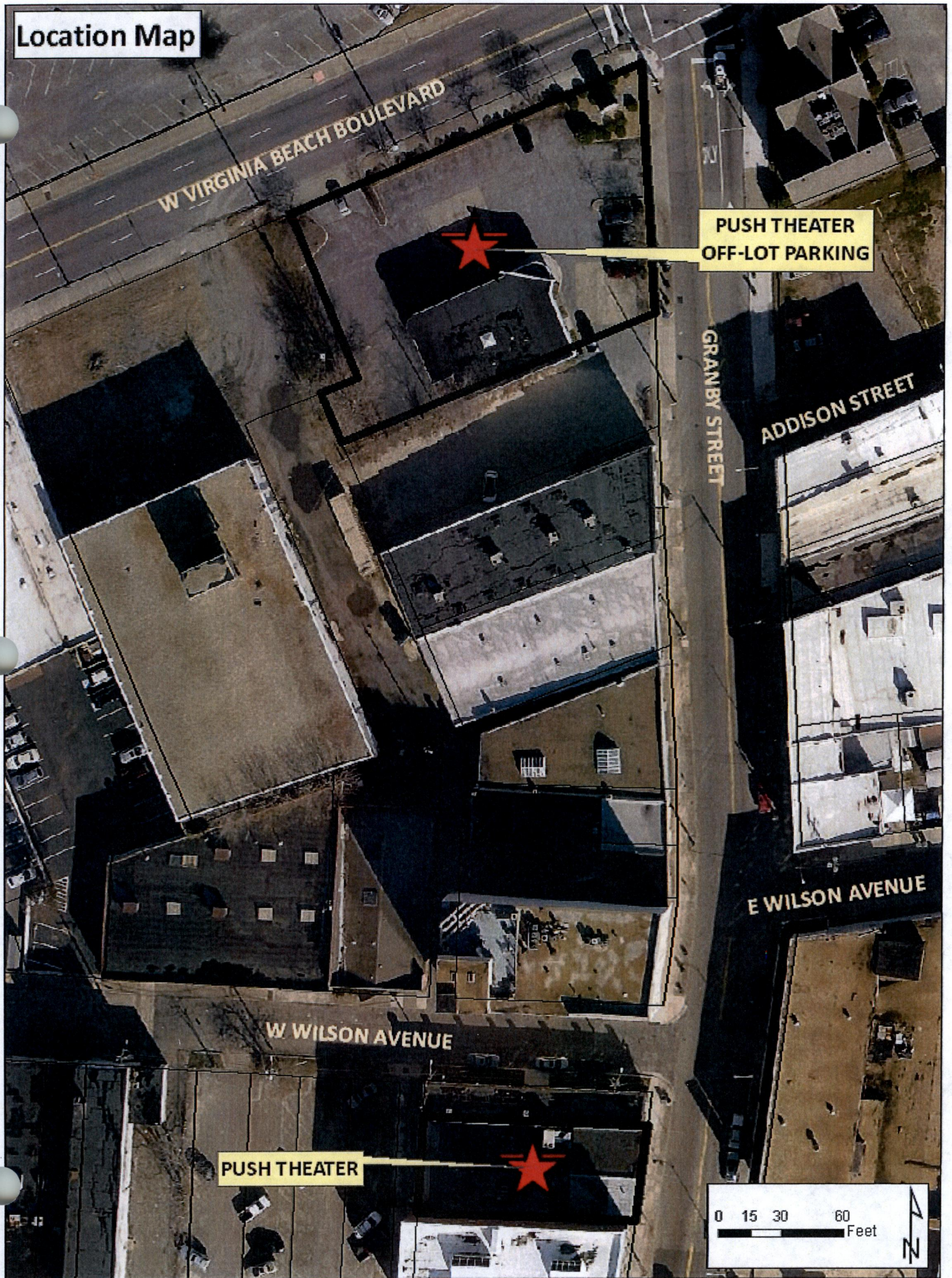
- (u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This Special Exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 74 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

- (w) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Print Name: _____

Sign: _____ Date: _____

Location Map



PUSH THEATER
OFF-LOT PARKING

PUSH THEATER

0 15 30 60
Feet

Zoning Map

W VIRGINIA BEACH BOULEVARD

PUSH THEATER
OFF-LOT PARKING

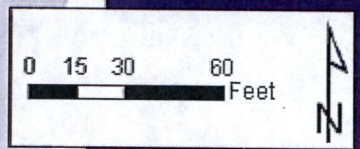
GRANBY STREET

ADDISON STREET

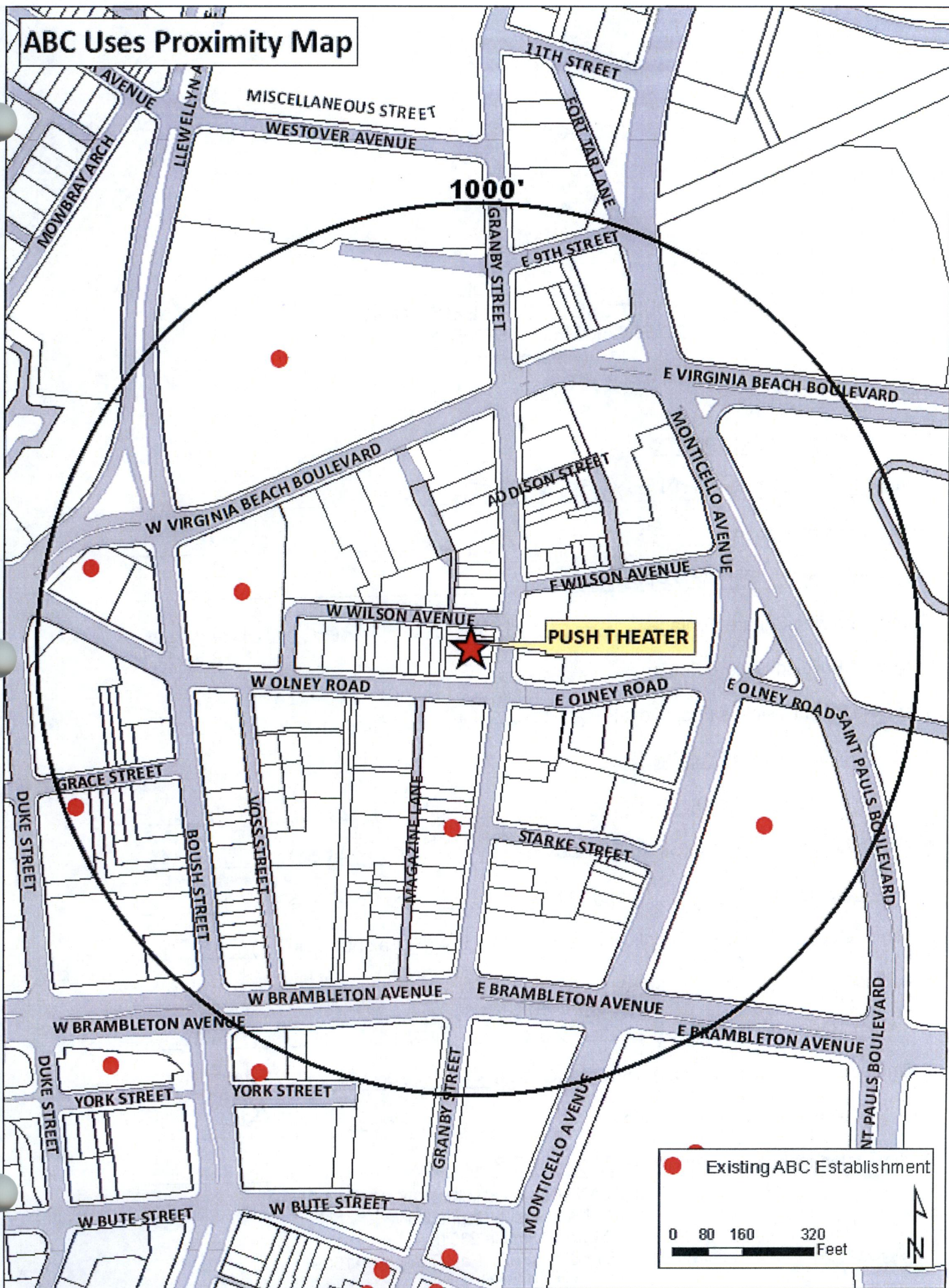
E WILSON AVENUE

W WILSON AVENUE

PUSH THEATER



ABC Uses Proximity Map





APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12/20/13

DESCRIPTION OF PROPERTY

Address 763 GRANBY STREET

Existing Use of Property RETAIL / OFFICE

Proposed Use THEATER

Current Building Square Footage 1st FL 1980 SF MEZZ 430 SF

Proposed Building Square Footage SAME

Trade Name of Business (If applicable) PUSH THEATER

APPLICANT/ PROPERTY OWNER

1. Name of applicant (Last) Devereux (First) Sean (MI) _____

Mailing address of applicant (Street/P.O. Box) 811 23rd Street

(City) VA Beach (State) VA (Zip Code) 23451

Daytime telephone number of applicant (757) 592-5549 Fax number () _____

E-mail address of applicant PushersComed@gmail.com

2. Name of property owner (Last) LIBERTY STREET (First) _____ (MI) _____
LLC

Mailing address of property owner (Street/P.O. box) 2525 O'CONNOR AVE SUITE 101

(City) VIRGINIA BEACH (State) VA (Zip Code) 23454

Daytime telephone number of owner (757) 498-8810 Fax number () _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

CONTACT INFORMATION

Civic League contact Downtown Civic League / Kevin Murphy

Date(s) contacted 12/20/13

Ward/Super Ward information _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½x14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: [Signature] Sign: 12/20/13
(Property Owner or Authorized Agent Signature) (Date)

Print name: Sean Devereux Sign: [Signature] 12/20/13
(Applicant or Authorized Agent Signature) (Date)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 12/20/13

Trade name of business Posit Theater

Address of business 763 Granby St

Name(s) of business owner(s)* Sean Devereux, Brad McMurrin

Name(s) of property owner(s)* Liberty Street LLC

Name(s) of business manager(s)/operator(s) Sean Devereux, Brad McMurrin

Daytime telephone number (757) 692-6549

*If business or property owner is a partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales and Entertainment	
Weekday	From <u>6pm</u> To <u>2am</u>	Weekday	From <u>6pm</u> To <u>2am</u>
Friday	From <u>6pm</u> To <u>2am</u>	Friday	From <u>6pm</u> To <u>2am</u>
Saturday	From <u>8pm</u> To <u>2am</u>	Saturday	From <u>11pm</u> To <u>2am</u>
Sunday	From <u>8pm</u> To <u>2am</u>	Sunday	From <u>11pm</u> To <u>2am</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

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Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

4a. If yes, please describe type and number of each game to be provided:

5. Will patrons ever be charged to enter the establishment?
☒ Yes ☐ No

5a. If yes, why:

USE - THEATER

- 5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

CELEBRATIONS / BIRTHDAYS ETC

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

7a. If yes, explain:

8. Will there ever be a minimum age limit?
☐ Yes ☒ No

**Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment**

- o Complete this worksheet based for each floor plan submitted with application.
- o Floor plan(s) must be prepared by a registered design professional and include:
 - o Tables/seats
 - o Restroom facilities
 - o Bar
 - o Ingress and egress
 - o Standing room
 - o Disc Jockey/Band/Entertainment area)
 - o Outdoor seating
 - o Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 90

Number of bar seats

Standing room

b. Outdoor

Number of seats

c. Number of employees 9

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 99

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

LIVE THEATER / 5 member BAND

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment

Square footage of dance floor

- o If a disc jockey is proposed, a dance floor must be provided.
- o If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510


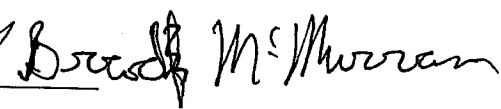
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

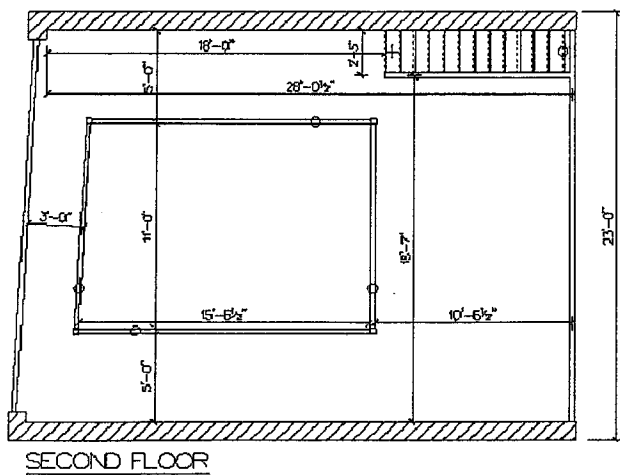
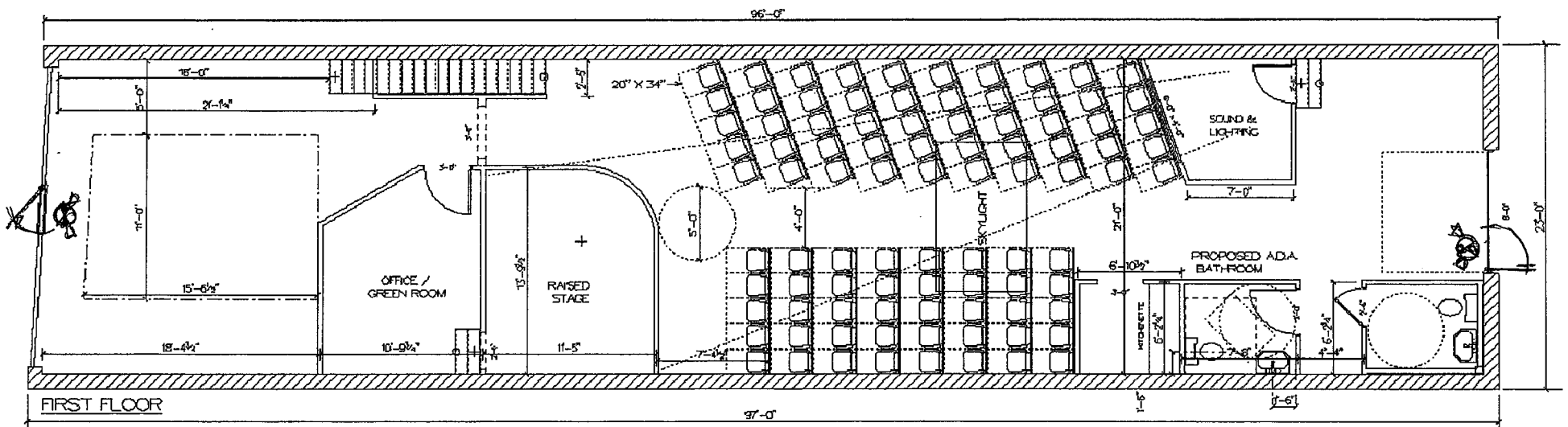
Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

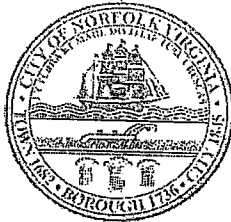
Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

 / 

Signature of Applicant



763 GRANBY STREET
ALL DIMENSIONS APPROXIMATE



APPLICATION
SPECIAL EXCEPTION

Special Exception for: OFF SITE PARKING

Date of application: 12/20/13

DESCRIPTION OF PROPERTY

Property location: (Street Number) 111 (Street Name) Va Beach Blvd

Existing Use of Property CHIROPRACTIC OFFICE

Current Building Square Footage N/A

Proposed Use OFF SITE PARKING FOR

PUSH THEATER REQD PARKING - 30 FOR 90 SEATS
10 SPACES - GRANDFATHERS AT 763 GRAND
20 SPACES - ALUM AT SLONE CHIROPRACTIC

Proposed Square Footage _____

Proposed Hours of Operation:

Weekday From 6pm To 2am

Friday From 6pm To 2am

Saturday From 8am To 2am

Sunday From 8am To 2am

Trade Name of Business (If applicable) Push Theater

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(Revised July, 2013)

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) Devereux (First) Sean (MI) _____

Mailing address of applicant (Street/P.O. Box): 811 23rd Street

(City) Virginia Beach (State) VA (Zip Code) 23451

Daytime telephone number of applicant (757) 692-6549 Fax number () _____

E-mail address of applicant: Pushers Comedy@gmail.com

2. Name of property owner: (Last) SLONE - LONNIE (First) Shelly (MI) _____

Mailing address of property owner (Street/P.O. box): 111 W VA Beach Blvd

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of owner () _____ Fax number () _____

CIVIC LEAGUE INFORMATION

Civic League contact: Downtown Civic League / Kevin Murphy

Date(s) contacted: 12/20/13

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
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 - Parking,
 - Landscaping
 - Property lines (*see attached example).

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810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Lonnie [Signature] Sign: [Signature] 1/21/2013
(Property Owner or Authorized Agent Signature) (Date)

Print name: Sean Devereux Sign: [Signature] 7/1/2013
(Applicant or Authorized Agent Signature) (Date)

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810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



City of NORFOLK

February 5, 2014

Kevin Murphy
President, Downtown Norfolk Civic League
P.O. Box 3655
Norfolk, VA 23514

Dear Mr. Murphy,

The Planning Department has received applications for Special Exceptions to operate an Entertainment Establishment with alcoholic beverages on property located at 763 Granby Street, and to permit the establishment to secure Off-Lot Parking, at 111 East Virginia Beach Boulevard, for patron use. These items are tentatively scheduled for the February 27, 2014 City Planning Commission public hearing.

Summary

The requests would allow Push Theater to offer entertainment and alcoholic beverages to their customers, as well as to permit the use of the Sloan Chiropractic medical clinic parking lot for customer parking during times that the clinic is not open (evenings and weekends).

	Proposed
Hours of Operation	6:00 p.m. until 2:00 a.m., Monday through Friday 8:00 a.m. until 2:00 a.m., Saturday and Sunday
Hours for the Sale of Alcohol	6:00 p.m. until 2:00 a.m., Monday through Friday 11:00 a.m. until 2:00 a.m., Saturday and Sunday
Seating Capacity	<ul style="list-style-type: none">• 90 seats indoors• 0 seats outdoors• 99 total capacity
Entertainment Options	<ul style="list-style-type: none">• Live Theater• 5-Member Live Band• Karaoke• Poetry Reading• Comedian

If you would like additional information on the request, you may contact the applicant, Sean Devereux, at (757) 692-6549 or you may telephone Matthew Simons at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,



George M. Homewood, AICP, CFM
Acting Planning Director

cc: Oneiceia Howard, Senior Neighborhood Development Specialist
Oneiceia.Howard@Norfolk.gov or (757) 664-6761



City of NORFOLK

February 5, 2014

Mary Miller
President, Downtown Norfolk Council
201 Granby Street, Suite 101
Norfolk, VA 23510

Dear Ms. Miller,

The Planning Department has received applications for Special Exceptions to operate an Entertainment Establishment with alcoholic beverages on property located at 763 Granby Street, and to permit the establishment to secure Off-Lot Parking, at 111 East Virginia Beach Boulevard, for patron use. These items are tentatively scheduled for the February 27, 2014 City Planning Commission public hearing.

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If you would like additional information on the request, you may contact the applicant, Sean Devereux, at (757) 692-6549 or you may telephone Matthew Simons at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,



George M. Homewood, AICP, CFM
Acting Planning Director

cc: Oneiceia Howard, Senior Neighborhood Development Specialist
Oneiceia.Howard@Norfolk.gov or (757) 664-6761

Kevin

-----Original Message-----

From: Matthew Shireman [mailto:mshireman@robynthomasarchitect.com]

Sent: Thursday, February 20, 2014 12:54 PM

To: Mary E. Miller; krmproperties@verizon.net

Subject: Push Theater - 763 Granby Street

Mary,

As per your conversation with Robyn see attached plan and application.

We are still working out the location/ equipment for the concession stand.

Let me know if you need anything else.

Kevin,

See attached.

--

Matthew Shireman

Robyn Thomas Architecture

913 W. 21st Street, Suite C

Norfolk, Virginia 23517

(Phone) 757-622-7100 ext 2

(Fax) 757-640-1014

Simons, Matthew

From: Kevin R. Murphy <krmurphy@verizon.net>
Sent: Wednesday, February 26, 2014 5:00 PM
To: Simons, Matthew
Subject: RE: Push Theater - 763 Granby Street
Attachments: Push-Theater_DNCL.DOC

Matthew,

You can tell Planning Commission that the Downtown Norfolk Civic League does not object to this application.

Thanks,

Kevin

-----Original Message-----

From: Simons, Matthew [mailto:Matthew.Simons@norfolk.gov]
Sent: Thursday, February 20, 2014 2:34 PM
To: dncl@welovenorfolk.org
Cc: Whitney, Chris
Subject: RE: Push Theater - 763 Granby Street

Kevin,
I'm sorry I don't know what happened... I'm attaching the letters we lost.

Thanks for letting me know.

Matthew Simons, CFM
City of Norfolk
City Planner II

-----Original Message-----

From: Kevin R. Murphy [mailto:krmurphy@verizon.net]
Sent: Thursday, February 20, 2014 2:16 PM
To: Simons, Matthew
Subject: FW: Push Theater - 763 Granby Street

Hi Matthew,

I don't think that Planning send the DNCL a copy of the attached application. Could you please make sure that we receive copies of all applications for establishments within the DNCL boundaries? (The DNCL boundaries are shown on the attached membership application.)

Thank you,

Simons, Matthew

From: chelsycarter <chelsycarter@yahoo.com>
Sent: Sunday, February 23, 2014 7:52 AM
To: Simons, Matthew
Subject: Support for Special Exception Application for the Push Theater

Hi Matthew, I emailed my letter of support to planning@norfolk.gov, but am following up with a copy to you to make sure it gets to the right place. thank you, Chelsy

Dear City Planning Commission,

I am writing in support of the Special Exception Application for the Push Theater entertainment establishment with alcoholic beverages at 763 Granby Street and off-lot parking at 111 W. Virginia Beach Boulevard. I will be out of town on February 27th, otherwise I would attend the hearing in person to show my support.

As residents of 801 Granby Street for 20 years, my husband and I believe that the Push Theater will be a terrific addition to Downtown and the Arts & Design District. Imagine our delight at the prospect of walking just a few feet from our home to attend a marvelous evening of comedy, music, or other entertainment by the talented Pushers.

My husband, Larry Hatab, a philosophy professor at Old Dominion University, is especially looking forward to attending a comedy class to finally realize his long held dream of performing stand-up. We can't wait!

I encourage you to fully support the Special Exception Application for the Push Theater.

Thank you,

Chelsy Carter
801 Granby Street, #4A
Norfolk, VA 23510